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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,030	12/01/2003	Bo Karlsson	13710	4710

7590 07/27/2006
ORUM & ROTH
53 W. JACKSON BLVD
CHICAGO, IL 60604

EXAMINER

CASTELLANO, STEPHEN J

ART UNIT PAPER NUMBER

3727

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,030

Applicant(s)

KARLSSON, BO

Examiner

Stephen J. Castellano

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6 and 10-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6 and 10-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-6 and 10-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodward in view of Brickman.

Woodward discloses a portable bucket with carrying handle, the bucket has a triangular horizontal cross section. Woodward discloses the invention except for (1) two short sides of identical length, (2) the right angle (90 degree angle) between the two short sides, (3) the pivot bearings being located below an upper peripheral edge, (4) the pivot bearings situated in a vertical plane located at a point approximately 1/3 across the width of the bucket between the longest side and the right angle.

Brickman discloses a triangular gasoline can with a triangular horizontal cross section with two short sides of identical length and a right angle between the two short sides. It would have been obvious to modify the bucket to have two identical short sides and a right angle between the two short sides in order to provide a configuration which efficiently packages into a square dimensional space when a second identical bucket is placed next to a first bucket with the long sides adjacent and touching.

Official notice is taken that pivot bearings being located below an upper peripheral edge is well known. It would have been obvious to modify the pivot bearings of Woodward to be below the upper rim to lower the profile of the bucket such that it occupies less vertical height


when the handle is folded down or along the side of the bucket, to make the bucket easier to store on a shelf or space of limited vertical height.

(1) Official notice is taken that it is well known to place a handle such that it extends over a center of mass of a bucket in a carrying position so that a filled bucket may be carried upright with minimal listing or tipping such that spilling is minimized. Circular buckets with the handle extending over the center of the circle are well known. (2) Official notice is taken that it is well known that the center of mass point of a right triangle with two identical length sides will be $\frac{1}{3}$ of the distance along a line extending perpendicularly from the long side towards the right angle. Therefore, the center of mass of the bottom wall is well defined. (3) Official notice is taken that the approximate center of mass of the sidewalls of the bucket will be approximately at a point directly above the bottom wall center of mass but slightly positioned more towards the long side. (4) Official notice is taken that design choice would dictate that the handle be placed such that the bucket could be carried at a minimal distance from a person's body so as not to place undue strain on arms, hips and the back of the person. (5) Official notice is taken that the shortest distance from the center of mass of the right triangle described above to a side is the distance between the center of mass and the long side. It would have been obvious to position the handle at an approximate position over these center of mass points such that the pivot bearings are situated in a vertical plane located at a point approximately $\frac{1}{3}$ across the width of the bucket between the longest side and the right angle to provide for balanced carrying so that liquid is not spilled and at a position with the center of mass located closest to a person's body to reduce body strain.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Castellano whose telephone number is 571-272-4535. The examiner can normally be reached on increased flexibility plan (IFP).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Stephen J. Castellano
Primary Examiner
Art Unit 3727

sjc